

adjudication as he fails to sufficiently allege the deprivation of a constitutional right, and therefore there is no federal question to be addressed.

4. Defendant has Eleventh Amendment Immunity from suit.
5. In addition, Plaintiff's petition for redress of grievance is not sufficient for the purposes of complying with Rule 8(a)(2) of the Federal Rules of Civil Procedure.
6. Accordingly, Plaintiff's Complaint should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) because it fails to state a claim against this Defendant, and pursuant to Federal Rule of Civil Procedure 12(b)(1) because this Court lacks subject matter jurisdiction.
7. A memorandum of law is filed contemporaneously with this Motion and is incorporated herein by reference.

WHEREFORE, the BMV respectfully request that the Court dismiss Plaintiff's Complaint, and for all other just and proper relief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2015, a copy of the foregoing *Defendant's Motion to Dismiss Plaintiff's Complaint* was filed electronically using the Court's CM/ECF system. Parties may access this filing using the Court's system.

I also certify that a copy was mailed, by first class U.S. Mail, postage prepaid and properly addressed to the following non-CM/ECF participant:

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